

Serial. No. 10/734,744
Response dated August 17, 2005
Reply to Office action of May 17, 2005

Remarks

This paper responds to the third Office Action in the above-entitled application, mailed May 17, 2005, and allowing three months for a response. This response is timely because it is being filed within the period set for response.

The applicant respectfully submits that currently pending claims 9, 11, 16-19, 30, and 33-51 are patentable for the reasons provided below.

37 C.F.R. § 1.75(c) (Improper Dependent Form)

Claim 11 is objected to under 37 C.F.R. 1.75(c), as being of improper dependent form. The original base claim 7 has been cancelled, and claim 11 has been amended to depend from claim 9. Claim 9 provides a range of 10 to 55 wt% that encompasses the range of 30 to 55 wt% found in claim 11. Therefore, claim 11 is now in proper dependent form.

35 U.S.C. § 102 (b) (Anticipation)

Claims 12, 23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Specification No. 57-15890A (the "JP '890 reference").

In order to expedite the examination process, the Applicant has cancelled claims 12, 23, and 26, but reserves the right to pursue these claims in a continuation application. The rejection therefore has become moot.

35 U.S.C. § 103 (Obviousness)

All rejections of claims 12-13, 21, 23, 26-29, and 31 have become moot because, in order to expedite the examination process, the Applicant has cancelled all these claims. However, the Applicant reserves the right to pursue these claims in a continuation application.

Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Specification No. 3-281599 (the "JP '599 reference").

Claim 15 has been cancelled. The Office Action indicates that claims 16-19, which depend from claim 15, are allowable if rewritten in independent form. Claim 16 has been rewritten as an independent claim, and claim 30 has been amended to incorporate the additional limitation of claim 16. Claims 17-19 all depend from claim 16, either directly or indirectly, and new claims 37-39 depend from claim 30. Therefore, claims 16-19, 30, and 37-39 are all allowable as indicated by the Examiner.

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Claims 7-8, 10-11 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over RU2130958. Claims 7-8 and 10 have been cancelled.

The Office Action indicates that claim 9 would be allowable if rewritten in independent form. The Applicant has rewritten claim 9 in independent form as indicated. Claim 35 has been amended to incorporate the additional limitations of claim 9, and claim 11 has been amended to depend from claim 9. Therefore, claims 9, 11 and 35 are allowable at least for the same reason as claim 9.

The Office Action indicates that claims 33, 34 and 36 would be allowable if rewritten in independent form. The Applicant has rewritten claim 33 and 36 in independent form as indicated. Claims 34 and new claims 40-41 depend from claims 33 or 36, either directly or indirectly. Therefore, these claims are allowable at least for the same reason as claim 33 or 36, among others.

New claims 42-51 all require a composition comprising an antifreeze and at least one corrosion inhibitor, and "wherein the antifreeze consists essentially of calcium nitrate." These claims are both novel and non-obvious over the prior art of record, because the cited references, either alone or combined together, do not teach or suggest such a novel composition containing an antifreeze consisting essentially of calcium nitrate. For example, the closest prior art reference of record, RU2130958 teaches an antifreeze containing calcium nitrate and a substantial amount of urea. In fact, the antifreeze compositions of Examples 1-5 of RU2130958 contain more urea than calcium nitrate. Therefore, the antifreeze composition of the present application is both novel and non-obvious over RU2130958. The Applicant respectfully submits that claims 42-51 are all patentable over the prior art of record at least for this reason alone, among others.

35 U.S.C. § 132 (Amendments Supported)

The amendments to claims and the new claims are all supported at least by the claims as originally filed. The amendments in this paper are therefore free of new matter.

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Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to prepare a Notice of Allowability allowing all the pending claims (9, 11, 16-19, 30, and 33-51).

The Commissioner is authorized to charge any required fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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